

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JUAN FRANCISCO HERRERA-
RODRIGUEZ,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

4:19-CV-04044-KES

ORDER

Movant, Juan Francisco Herrera-Rodriguez, has filed a pro se motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. From a reading of the motion, the court cannot determine that “it plainly appears from the face of the petition . . . that the petitioner is not entitled to relief in the district court” warranting summary dismissal pursuant to Rule 4 of the Rules Governing Section 2255 Cases in the United States District Court. Therefore, it is

ORDERED that the Clerk of Court will deliver or serve a copy of the motion on the United States Attorney for the District of South Dakota.

IT IS FURTHER ORDERED that the United States Attorney for the District of South Dakota will serve and file an answer or responsive pleading to the motion, together with a legal brief or memorandum, on or before March 26, 2019.

DATED this 26th day of February, 2019.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge